

III. REMARKS

Claims 1, 2 and 5 are amended. Applicant appreciates the indication of allowable subject in claims 2, 5 and 6 but submits that the claims are patentable as amended.

Claim 1 is amended to overcome the objection.

Claims 1 and 4 are patentable under 35 U.S.C. 102(b) over Ferzli (US 5147373). Claim 1 recites that movement of the first and second lever members between the first and second positions, relative to the finger loop, causes movement of the common operation effector for performing a common operation of the medical device. This feature is not disclosed or suggested by Ferzli.

In Ferzli there are two separate and distinct jaws (12, 14). Finger grip (16) of the instrument in Ferzli is stationary while finger grip (20) operates jaw (14) and finger grip (18) operates jaw (12) (Col. 2, L. 43-57). Thus, in Ferzli the finger grips (20, 18) are selectively operated to independently open and close a respective one of the two alligator jaws (14, 20) (Col. 3, L. 43-46). Thus, because each finger grip (20, 18) in Ferzli independently opens and closes separate jaws (20, 14) respectively, Ferzli cannot disclose that "movement of the first and second lever members between the first and second positions, relative to the finger loop, causes "movement of the common operation effector for performing a common operation of the medical device" as recited in Applicant's claim 1. Ferzli simply does not disclose that the finger grips (20, 18) are connected to a "common operation effector" as each of the jaws (14, 20) are separately connected to their respect finger grip (20, 18). Thus, claim 1 is not anticipated and is patentable over Ferzli.

Claim 4 depends from claim 1 and is patentable at least by reason of its dependency.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,



William J. Knotts, Jr.
Reg. No. 53,145

April 9, 2008
Date

Perman & Green, LLP
425 Post Road
Fairfield, CT 06824
(203) 259-1800
Customer No.: 2512

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that this correspondence is being transmitted electronically on the date indicated below and addressed to Mail Stop RCE, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: April 9, 2008

Signature:



William J. Knotts, Jr.
Person Making Deposit